

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

NO. CR-12-5001-4-BHS

Plaintiff,

~~PROPOSED~~ **ORDER GRANTING
RELEASE PENDING APPEAL**

vs.

HUNG VIET TRAN,

Defendant.

This Court having considered defendant Hung Viet Tran's unopposed motion to continue his release from custody pending an appeal of his conviction, and finding (1) by clear and convincing evidence that Defendant is unlikely to flee and does not pose a danger to public safety; (2) by a preponderance of the evidence that the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in (i) a reversal, (ii) an order for a new trial, (iii) a sentence that does not include a term of imprisonment, or (iv) a reduced

1 sentence to a term of imprisonment less than the total of the time
2 already served plus the expected duration of the appeal process; and (3)
3 that there are exceptional reasons why it would be inappropriate to
4 remand defendant into custody pending the outcome of his appeal,
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7 IT IS HEREBY ORDERED that Defendant shall remain free on
8 bond pending his appeal.
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10 IT IS FURTHER ORDERED that the conditions of Defendant's
11 pretrial and presentence release shall remain in full effect until such
12 time as his appeal is concluded and this court determines that it is
13 appropriate to remand Defendant into custody.
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15 Dated this 9th day of December, 2013.
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Benjamin H. Settle
United States District Judge